

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* ARNDT/TENUTA, Minors.

UNPUBLISHED  
October 21, 2014

Nos. 320706 & 320707  
Dickinson Circuit Court  
Family Division  
LC No. 12-000506-NA

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Before: METER, P.J., and WHITBECK and RIORDAN, JJ.

PER CURIAM.

In these consolidated appeals, respondent-father, J. Tenuta, and respondent-mother, E. Arndt, each appeal as of right the trial court's orders terminating their parental rights to their minor children under MCL 712A.19b(c)(i) (the conditions that led to the adjudication continue to exist), (g) (failure to provide proper care and custody), and (j) (likelihood of harm to children if returned). In Docket No. 320706, Tenuta appeals the trial court's order terminating his parental rights to his two minor children. In Docket No 320707, Arndt appeals the trial court's order terminating her rights to her three minor children. We affirm.

I. FACTS

A. THE CHILDREN'S REMOVAL

In March 2012, the Department of Human Services (the Department) petitioned the trial court to remove the children. The Department's petition included a note from the children's family doctor, Dr. Beth Schroeder, who reported that the parties' infant daughter was not gaining weight because of "lack of appropriate feeding and not due to an underlying medical condition." The Department also alleged that Tenuta and Arndt's home was "very crowded and dirty," with bags of trash in the front hallway, bags of clothes in the kitchen, and dirty dishes on the kitchen counter and floor. The Children's Protective Services (CPS) worker reported that the middle child was sitting on the kitchen floor in front of a plate. The CPS worker also reported that the infant child was sleeping in a crib that appeared wet. During the visit, Tenuta was verbally aggressive with the CPS worker.

The Department indicated that Dr. Schroeder's records showed that the infant weighed 8lbs and 14 oz when she was born in January 2012. Dr. Schroeder's notes indicate that, at the end of January, the infant weighed 7 lbs 4 oz, and on February 23, 2012, Arndt "express[ed] concern that [the infant] is feeding quite frequently and she does not want her to get 'chunky.'" In March, Dr. Schroeder indicated that the infant was crying and appeared hungry.

Arndt admitted the allegations in the petition. Arndt admitted that the apartment was too small and its cluttered state would make it difficult to get out of the apartment quickly in an emergency. Arndt also admitted that she “could have nourished [her] daughter a little more[.]” The trial court assumed jurisdiction over the children and ordered Tenuta and Arndt to participate in services.

#### B. PROGRESS FROM MAY 2012 TO THE CHILDREN’S RETURN IN MAY 2013

After May 2012, Tenuta and Arndt’s relationship became unstable. At a review hearing in August 2012, the trial court found that Tenuta and Arndt had been making some progress in services. However, it found that problems still existed. It admonished Arndt for missing parental visitation to “go pursue a relationship in . . . another county,” and admonished Tenuta for allowing a girlfriend to move in with him. The trial court found that Tenuta and Arndt were not placing their children’s needs before their own. The trial court ordered the parties not to reside with anyone unless the Department approved them.

Roberta Wright, the children’s foster-care caseworker, reported that Curtis VanDusen, a juvenile officer with the Dickinson County Probate Court, saw Arndt in a van with S. Cornell. Cornell was the father of the oldest child until his parental rights were terminated, and he is a registered sex offender who is not allowed to have contact with children. VanDusen indicated that when he investigated the incident, Arndt and Tenuta denied that Cornell was in the van, but the van’s occupants gave inconsistent versions about who else was in the van. Wright indicated that, on April 12, 2013, she spoke with Arndt about the danger that Cornell posed to children.

At the May 2013 permanency planning hearing, Elizabeth Hellman, who provided home-based counseling services, recommended returning the children to the home under strict monitoring. Hellman testified that Tenuta and Arndt’s participation in services was “sporadic” but the parties’ home was organized. The children’s guardian ad litem expressed concern that Arndt had not reported the incident to the Department and, when confronted, attempted to cover it up. The trial court ordered Tenuta and Arndt not to have further contact with Cornell, and it returned the children to the home.

#### C. THE OLDEST CHILD’S REMOVAL FROM ARNDT’S CARE

The trial court held a dispositional review hearing in August 2013. Wright testified that Tenuta and Arndt had decided to live separately. Wright testified that “through the last three months that [Tenuta and Arndt] have had numerous altercations in their children’s presence . . .” and a neighbor had called the police.

Wright recommended terminating Arndt’s parental rights. According to Wright, Arndt’s home was consistently dirty and unsanitary. Arndt’s home had food on the kitchen floor and in chairs, a “sticky” floor, and that the living room was “full of papers and clothing and toys.” During one of Wright’s visits to the home, Arndt did not supervise the oldest child. Wright was also concerned that Arndt was exchanging sexually explicit text messages with men. Wright believed that Arndt needed services to address emotional stability, home cleanliness, parenting skills, and parental supervision. However, Arndt had refused to continue taking her medications,

had refused a service to assist her with house cleaning, and had refused other services because she believed that she did not need them.

Wright recommended placing the two younger children with Tenuta. Wright was concerned with Tenuta's "home routine and cleanliness" and testified that Tenuta resisted direction or instruction. However, Wright believed that Tenuta was benefitting from his case service plan.

The trial court noted that the children appeared unkempt when they appeared at the court office and that Arndt had recently been unable to maintain a calm situation with the children in the hallway outside the courtroom. The trial court found that Arndt was resistant to services, and that Tenuta became hostile with or failed to cooperate with service providers. The trial court ordered Tenuta and Arndt not to become involved in romantic relationships or to cohabitate with other persons. The trial court placed the oldest child in foster care, and ordered the younger children placed with Tenuta.

#### D. THE YOUNGER CHILDREN'S REMOVAL FROM TENUTA'S CARE

The trial court ordered the emergency removal of the younger children from Tenuta's care on September 30, 2013, after the youngest child suffered a head injury. The Department indicated that Tenuta had continued to entrust the children's care to T. Harden, the children's babysitter, despite that Tenuta had been informed that Harden had slapped the middle child on September 28, 2013. A witness to the incident indicated in a statement that she told Tenuta that Harden slapped the child but Tenuta "shrug[ged] it off." Tenuta then allowed Harden to provide child care for the children the next evening.

Mary Jones, a case services worker, testified that the youngest child had "a large amount of bruising upon her face" on September 30, 2013. When the child was examined, she also had older bruising on her buttock and thigh, and the middle child spontaneously indicated that Tenuta had caused the bruising. The child's facial injury was "not a solid bruise," but rather it was small bruises with gaps between them. Jones also discovered some bruising on the middle child.

According to Jones, Tenuta stated that the child's babysitter, T. Harden, told her that the youngest child fell on the stairs. Tenuta and Harden both indicated that the child was bruised in a fall on September 28, 2013. When Jones asked Tenuta why he had not taken the child for medical attention, Tenuta told her that he had intended to take the child in on the 30th. Jones also indicated that Tenuta had been allowing Arndt unsupervised access to the children.

The trial court found that Tenuta and Arndt were cooperating with services but not benefitting from them. The trial court found that youngest child suffered "some pretty significant head trauma" but Tenuta had not sought medical attention for her. The trial court found that Tenuta's explanation of the incident was not credible. The trial court ordered the Department to petition to terminate Tenuta and Arndt's parental rights.

#### E. TERMINATION PROCEEDINGS

The Department filed the termination petition in December 2013. At the termination hearing in January 2014, Wright testified that she was concerned about Arndt's stability, mental

health, and her failure to prioritize the children's needs. Wright did not believe that Arndt could consistently parent the children on her own. Arndt testified that she had been successfully caring for the children "before everybody stepped into [her] life."

Hellman was concerned that Arndt was able to manage frustration and handle the children when she was on medication, but that Arndt did not have an independent ability to manage her medications. Hellman testified that Arndt appeared appropriate at parenting visitations, but occasionally characterized the two-and-a-half hour visits as "rough." Hellman was concerned about Arndt's relationships and that Arndt would expose the children to unsafe persons.

Wright was also concerned that Arndt would not protect her children from inappropriate persons. A police report from January 2014 indicated that a police officer picked Griffin up from outside Arndt's apartment. According to the report, Griffin had been holding a knife and claimed that he had just argued with Arndt and Tenuta. Wright testified that Arndt was now engaged to T. Griffin. Wright attached to her court report pictures that Tenuta had provided her of Arndt and Griffin sleeping in a bed together, as well as Arndt's Facebook announcement that she was marrying Griffin.

Arndt testified that she was not involved in a romantic relationship with Griffin. Arndt stated that she and Griffin were just friends. According to VanDusen, he went to Arndt's home for an unscheduled home visit on January 17, 2014, and heard sounds of sexual activity. Arndt was disheveled when she answered the door. VanDusen testified that Arndt claimed that no one else was present in the apartment, but when VanDusen looked around the home, Griffin emerged from the bathroom and said "you caught me[.]" Arndt admitted that Griffin had spent the previous Friday evening at her apartment, but claimed that Griffin had slept on her couch and was trying to "find a job and get his life on track."

Tenuta testified that Harden provided care for the children on the weekends because the children's daycare did not cover weekends. According to Tenuta, he took Harden to the Department's office to fill out paperwork, but he was "unaware if the application was filled out or turned in." Tenuta initially testified that he did not notice anything unusual after Harden cared for the children, but later clarified that Harden said that the youngest child had injured her head. Tenuta testified that he applied an ice pack to the child's face, and admitted that not taking her in for medical attention had shown poor judgment.

Dr. Debra Simms, a pediatrician, testified as an expert in child abuse and neglect. According to Dr. Simms, she had reviewed the younger children's medical files. Dr. Simms testified that the youngest child's bruises were not consistent with falling against the stairs because the bruises were on both sides of her face. Dr. Simms opined that the bruises could have come from a hand strike and that the child's injuries were "suspicious for non-accidental trauma and pediatric physical abuse."

Hellman testified that the children's visits with Tenuta were positive and that Tenuta was an appropriate parent during parenting visitations. However, Hellman expressed concern that Tenuta was still involved with Arndt and that the relationship "trigger[ed] problems in their

ability to handle their emotions.” Hellman testified that she believed that Tenuta would benefit from therapy, but Tenuta was not interested in therapy.

#### F. THE TRIAL COURT’S FINDINGS AND CONCLUSIONS

The trial court found that Tenuta and Arndt were not able to maintain a healthy relationship. The trial court found that police were called two or three times to Tenuta and Arndt’s home while the children were in their care. The trial court found that Tenuta and Arndt were unable to separate and that their parental relationship was “an unhealthy one as far as being able to co-parent the children without causing a serious risk of harm to their physical health or mental wellbeing.”

The trial court found that the conditions that led to the adjudication were the crowded, unsanitary, and unsafe home conditions and the parent’s failure to provide sufficient care for the youngest child. The trial court found that the Department provided Tenuta and Arndt with numerous services, including parenting education, housing assistance, food assistance, psychological evaluations, and other services. The trial court found that “there was a serious lack of cooperation there” and that Tenuta was alternately cooperative and hostile.

The trial court noted that it had returned the children home in an effort to reunify the family, but then had removed the children from the parents’ homes a second time. The trial court found that there were still problems with the parents’ homes and that it would not be able to return the children home in a reasonable time. The trial court found that “the reasonable time has come and gone” and that it could not safely return the children to Arndt or Tenuta.

Regarding Tenuta, the trial court found that the youngest child was injured in Tenuta’s care and that Tenuta had not timely taken the child to the hospital. The trial court found that Tenuta “failed to recognize the need for medical treatment for a small child that had sustained what was obviously severe trauma to the head and face area.”

Regarding Arndt, the trial court found that Arndt admitted that she found that caring for the children was difficult. It found that Arndt had to be prompted to do “fairly basic things like feeding, changing diapers, [and] adequately supervising the children[.]” The trial court also found that Arndt was not tending to her mental health needs.

The trial court found that Arndt did not believe that she needed services and would not change. The trial court found that Arndt could not focus on the children and that her denial of her relationship with Griffin was not credible. It found that Arndt had continued to associate with Cornell, a sex offender, and had at one point abandoned the children to move to another county with Griffin. The trial court noted that Arndt’s failure to be honest about her relationships showed that Arndt did not have good judgment. It found that Arndt “continues to associate with individuals who . . . pose a risk of harm to the children.”

Regarding the children’s best interests, the trial court found that the older children were strongly bonded to Tenuta and Arndt, but that the youngest child was only minimally bonded to them. The trial court found that preserving the children’s bond when there was no reasonable likelihood of reunification “is almost cruel.” The trial court found that the children had gone through numerous placements and needed “continuity, stability, [and] permanence.” The trial

court found that there was “not just a preponderance, but clear and convincing evidence it is in the best interests of the children to terminate parental rights[.]”

## II. STATUTORY GROUNDS

### A. STANDARD OF REVIEW

This Court reviews for clear error the trial court’s factual findings and ultimate determinations on the statutory grounds for termination.<sup>1</sup> A finding is clearly erroneous if, after reviewing the entire record, we are definitely and firmly convinced that the trial court made a mistake.<sup>2</sup>

### B. LEGAL STANDARDS

The Department has the burden to prove at least one statutory ground to terminate a parent’s parental rights by clear and convincing evidence.<sup>3</sup> The trial court need only find a single statutory ground.<sup>4</sup>

MCL 712A.19b(3)(c)(i) provides that the trial court may terminate a parent’s rights if there is clear and convincing evidence that:

[t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child’s age.

This statutory ground exists when the conditions that brought the children into foster care continue to exist despite “time to make changes and the opportunity to take advantage of a variety of services.”<sup>5</sup>

MCL 712A.19b(3)(g) provides that the trial court may terminate a parent’s rights if

[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child’s age.

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<sup>1</sup> MCR 3.977(K); *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010).

<sup>2</sup> *Mason*, 486 Mich at 152.

<sup>3</sup> MCL 712A.19b(3); *In re Trejo Minors*, 462 Mich 341, 355; 612 NW2d 407 (2000); see *Mason*, 486 Mich at 166.

<sup>4</sup> *In re Olive/Metts Minors*, 297 Mich App 35, 41; 823 NW2d 144 (2012).

<sup>5</sup> See *In re Powers Minors*, 244 Mich App 111, 119; 624 NW2d 472 (2000); *In re Williams*, 286 Mich App 253, 272-273; 779 NW2d 286 (2009).

Courts may consider a parent's failure to demonstrate significant progress with a service as evidence that a parent will not be able to provide proper care and custody.<sup>6</sup>

MCL 712A.19b(3)(j) provides that the trial court may terminate parental rights if

[t]here is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

The trial court may consider the potential psychological harm to the child caused by the parent's conduct or capacity.<sup>7</sup> A parent's failure to comply with the terms and conditions of his or her service plan is evidence that the child will be harmed if returned to the parent's home.<sup>8</sup>

### C. APPLYING THE STANDARDS

#### 1. TENUTA

Tenuta contends that the trial court clearly erred when it found that MCL 712A.19b(3)(c)(i) supported terminating his parental rights because there was no evidence that he was unable to maintain a clean home or that he neglected the children. We agree but conclude that the error was harmless.

MCL 712A.19b(3)(c)(ii) provides that the trial court may terminate a parent's parental rights when

[o]ther conditions exist that cause the child to come within the court's jurisdiction, the parent has received recommendations to rectify those conditions, the conditions have not been rectified by the parent after the parent has received notice and a hearing and has been given a reasonable opportunity to rectify the conditions, and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

Whether the conditions that led the children to initially come into the Department's jurisdiction continue, or whether new conditions exist, are distinct questions.<sup>9</sup> However, the trial court's error under MCL 712A.19b(3)(c)(i) may be harmless if the trial court "finds that other conditions . . . that would bring the child within the jurisdiction of the court are continuing."<sup>10</sup>

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<sup>6</sup> *Trejo*, 462 Mich at 363.

<sup>7</sup> *In re Hudson*, 294 Mich App 261, 268; 817 NW2d 115 (2011).

<sup>8</sup> MCL 712A.19a(5). See *Trejo*, 462 Mich at 362-363. *In re White*, 303 Mich App 701, 710; 846 NW2d 61 (2014).

<sup>9</sup> *In re Sours*, 459 Mich 624, 636; 593 NW2d 520 (1999).

<sup>10</sup> See *Id.* at 636-637.

Here, the conditions that brought the children into care were Tenuta and Arndt's dirty, crowded, unsanitary house and their neglect of the youngest child's nutritional needs. The trial court's findings following the termination hearing all concerned Tenuta's capacity to protect the children from mental and physical harm. There is no evidence in the record that Tenuta was unable to maintain a sanitary home or that he neglected the children's needs while they were in his care. Therefore, the trial court clearly erred when it found that the conditions that led to the adjudication continued to exist with respect to Tenuta.

However, other conditions arose during the course of the proceedings that would have allowed the trial court to take jurisdiction over the younger children. The youngest child was injured in Tenuta's care and he did not seek appropriate medical attention for her. Additionally, Tenuta's relationship with Arndt was characterized by instability and domestic violence and Tenuta did not demonstrate that he could live independently from Arndt. Jones testified that Tenuta allowed Arndt to exercise unsupervised parenting time when the younger children were in his care. The trial court warned Tenuta about these conditions and the Department attempted to provide Tenuta with services to address them. The conditions continued to exist at the time of the termination hearing.

We conclude that the trial court erred when it found that MCL 712A.19b(3)(c)(i) supported terminating Tenuta's parental rights, but we conclude that its error was harmless because its findings were sufficient to terminate Tenuta's parental rights under MCL 712A.19(3)(c)(ii).

Tenuta also contends that the trial court erred when it found statutory grounds to terminate his parental rights under MCL 712A.19b(3)(g) and (j). We disagree.

Evidence that a child suffered serious, unexplained, non-accidental injuries consistent with abuse while in a parent's care supported terminating the parent's rights under MCL 712A.19b(3)(g) and (j).<sup>11</sup> Here, as discussed above, the youngest child suffered a serious, unexplained, non-accidental injury to her head while in Tenuta's care. When Jones investigated that injury, she discovered other bruises on the youngest child and bruises on the middle child.

Wright reported that witnesses had expressed concerns to Tenuta about leaving the children in Harden's care, but Tenuta continued to allow Harden to babysit them. Regardless of whether Tenuta or Harden inflicted the injuries, these facts demonstrate that the children are likely to be harmed while in Tenuta's care. And given Tenuta's unwillingness to participate in services after the incident, it was not reasonably likely that Tenuta would be able to provide the child with proper care and custody within a reasonable time.

We conclude that the trial court did not clearly err when it found that statutory grounds supported terminating Tenuta's parental rights under MCL 712A.19b(3)(c)(i), (g), and (j).

## 2. ARNDT

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<sup>11</sup> See *In re VanDalen*, 293 Mich App 120, 140-141; 809 NW2d 412 (2011).



Arndt contends that the trial court clearly erred by terminating her parental rights under MCL 712A.19b(3)(c)(i), (g), and (j) because she participated in and benefitted from services. We disagree.

Throughout the pendency of the case, Arndt refused to recognize that she required services to address her parenting deficiencies. Arndt testified at the termination hearing that she was parenting the children well before the Department became involved. Arndt refused to recognize that the unsanitary and crowded conditions of her home rendered it dangerous, and she refused to recognize that her failure to feed her child was causing her to fail to thrive. Throughout the pendency of this case, the Department's service providers repeatedly testified that Arndt did not fully participate in services.

And Wright and Hellman both testified that Arndt did not benefit from those services she did participate in. Wright testified that, in August 2013, Arndt's home was still inappropriate. Arndt continued to leave food on the floor and in chairs, and her living room was cluttered, despite the services that the Department had provided her to assist with the home. And Arndt subsequently refused further services from the Department, including a service to assist her with house cleaning.

Accordingly, we conclude that the trial court did not clearly err when it found that Arndt's failure to participate in services supported terminating her parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). Arndt failed to recognize, much less rectify, the conditions that led to the children's removal. And Arndt's failure to participate in and benefit from services demonstrated that the children were likely to be harmed and that she could not provide them with proper care and custody.

Arndt also contends that the trial court erred in relying on Arndt's relationships with others when making findings regarding MCL 712A.19b(3)(g) and (j). Arndt asserts that her relationships with others were "irrelevant." We disagree.

The trial court may consider a parent's tendency to engage in relationships that may pose a danger to the children when determining whether statutory grounds exist to terminate a parent's parental rights.<sup>12</sup> Here, Arndt repeatedly associated with people who could pose a danger to her children. Arndt associated with Cornell, a sex offender who was not supposed to have contact with children, and then sought out a relationship with Griffin, who later stood outside Arndt's home with a knife. The trial court also found that the children would suffer emotional harm because Arndt was "more interested in [her] own romantic or sexual needs" than the children's needs. Arndt's persistent relationship with Griffin, despite the trial court's order, and her persistent dishonesty about that relationship, supported the trial court's finding.

We conclude that the trial court did not err by considering Arndt's relationships. Arndt's habits of inviting dangerous persons into her life were highly relevant to the children's safety, care, and custody.

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<sup>12</sup> *In re Plump*, 294 Mich App 270, 273; 817 NW2d 119 (2011).

### III. THE CHILDREN’S BEST INTERESTS

#### A. STANDARD OF REVIEW

If a statutory ground to terminate a parent’s parental rights exists, the trial court must order the parent’s rights terminated if it finds from a preponderance of evidence that termination is in the children’s best interests.<sup>13</sup> We review for clear error the trial court’s determination regarding the children’s best interests.<sup>14</sup>

#### B. LEGAL STANDARDS

The trial court should weigh all the evidence available to determine the children’s best interests.<sup>15</sup> The trial court may consider a variety of factors, including “the child’s bond to the parent, the parent’s parenting ability, the child’s need for permanency, stability, and finality, and the advantages of a foster home over the parent’s home.”<sup>16</sup> The trial court may also consider “a parent’s history of domestic violence, the parent’s compliance with his or her case service plan, the parent’s visitation history with the child, the children’s well-being while in care, and the possibility of adoption.”<sup>17</sup> We defer to the special ability of the trial court to judge the credibility of witnesses.<sup>18</sup>

#### C. APPLYING THE STANDARDS

##### 1. TENUTA

Tenuta contends that terminating his parental rights was not in the children’s best interests because he had a significant bond with them. We disagree.

Here, the trial court considered a wide variety of factors when determining that termination was in the children’s best interests. The trial court did consider the children’s strong bonds to Tenuta. However, it concluded that other factors—including Tenuta’s disinterest in his children at some parenting visits, Tenuta’s unresolved anger issues, his inability to provide the children with guidance and nurturing, and the children’s needs for stability and permanence—outweighed the bond that the children had with Tenuta. After reviewing the record in this case, we are not definitely and firmly convinced that the trial court made a mistake.

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<sup>13</sup> MCL 712A.19b(5); *Olive/Metts*, 297 Mich App at 40; *In re Moss*, 301 Mich App 76, 83; 836 NW2d 182 (2013).

<sup>14</sup> MCR 3.977(K); *Trejo*, 462 Mich at 355-356.

<sup>15</sup> *Trejo*, 462 Mich at 356-357.

<sup>16</sup> *Olive/Metts*, 297 Mich App at 41-42 (internal citations omitted).

<sup>17</sup> *White*, 303 Mich App at 714.

<sup>18</sup> MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

## 2. ARNDT

Arndt contends that terminating her parental rights was not in the children's best interests because the trial court improperly considered the statutory ground when deciding the children's best interests. We disagree.

As noted above, the trial court may consider the parent's compliance with services when determining the children's best interests. Further, the trial court did not base its decision solely on Arndt's failure to comply with services. The trial court also considered the children's need for permanence and stability, as well as the emotional harm to the children caused by Arndt's conduct, Arndt's unresolved mental health issues, and the oldest child's improvement in foster care. After reviewing the record, we are not definitely and firmly convinced that the trial court made a mistake when it concluded that terminating Arndt's parental rights was in the children's best interests.

## IV. TENUTA'S *IN RE SANDERS*<sup>19</sup> ISSUE

We note that Tenuta contends in a statement of supplemental authority that he did not receive an adjudication and asserts that, under the Michigan Supreme Court's decision in *Sanders*, this Court should remand for restoration of his parental rights. A party may not use a statement of supplemental authority to raise new issues.<sup>20</sup> We decline to consider this issue.

## V. CONCLUSION

We conclude that the trial court did not clearly err when it terminated Tenuta's and Arndt's parental rights under MCL 712A.19b(3)(g), and (j) because the Department provided extensive evidence that Tenuta and Arndt were not able to safely care for their children. The trial court also did not err when it terminated Arndt's parental rights under MCL 712A.19b(3)(c)(i). The trial court did err when it terminated Tenuta's parental rights under MCL 712A.19b(3)(c)(i), but its error was harmless because its findings were sufficient to support termination under MCL 712A.19b(3)(c)(ii). We also concluded that the trial court did not clearly err when it determined that terminating Tenuta's and Arndt's parental rights were in the children's best interests.

We affirm.

/s/ Patrick M. Meter  
/s/ William C. Whitbeck  
/s/ Michael J. Riordan

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<sup>19</sup> *In re Sanders*, 495 Mich 394; 852 NW2d 524 (2014).

<sup>20</sup> MCR 7.212(F)(1).